

1 THE HONORABLE BARBARA J. ROTHSTEIN

2
3
4
5
6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

7
8 JACK PRECOUR, WILLIAM CAPTAIN REED,
9 CESAR LOPEZ, TOMASINA ENOCH,
10 MARSHALL P. JONES, JR., and CORNELIA
CLAY FULGHUM, individually and on behalf of
all others similarly situated,

11 Plaintiffs,

12 v.

13 T-MOBILE USA, INC.,

14 Defendant.

No. 2:21-cv-01415-BJR

15
16
17
18
19
20
21
22
23
24
**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS PENDING
JPML'S RULING ON TRANSFER**

STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01415-BJR) - 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiffs Jack
2 Precour, William Captain Reed, Cesar Lopez, Tomasina Enoch, Marshall P. Jones, Jr., Cornelia
3 Clay Fulghum, and Diego Quintanilla, and Defendant T-Mobile USA, Inc. (together “the Parties”),
4 hereby stipulate to stay all proceedings and deadlines in this action until the Judicial Panel on
5 Multidistrict Litigation (“JPML”) rules on the pending motion to transfer under 28 U.S.C. § 1407
6 (“MDL Petition”). *See In re: T-Mobile Customer Data Sec. Breach Litig.* (“*In re: T-Mobile*”),
7 MDL No. 3019 (ECF No. 1). In support of this stipulated motion, the Parties state:

8 Plaintiffs filed this case on October 15, 2021. *See* ECF No. 1. In a related case, this Court
9 recently granted T-Mobile’s motion requesting a stay pending the JPML’s ruling on the MDL
10 Petition, finding:

11 Any delay arising from a stay is likely to be short, and Plaintiffs
12 have not demonstrated that any significant prejudice would result
13 from a short stay. A stay is also likely to conserve judicial resources,
14 as well as the parties’ resources, until the JPML decides whether
(and if so, where) to transfer the dozens of similar cases for
coordinated or consolidated pretrial proceedings.

15 *Daruwalla v. T-Mobile USA, Inc.*, No. 2:21-cv-01118-BJR (W.D. Wash. Oct. 29, 2021) (ECF No.
16 39). The Parties therefore respectfully request that the Court enter a short stay of all proceedings
17 here until the JPML rules on the MDL Petition.

18
19
20
21
22
23
24
STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01415-BJR) - 2

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Dated: November 10, 2021

2 By: /s/ Steve Y. Koh

3 Steve Y. Koh, WSBA No. 23284
4 Kathleen M. O'Sullivan, WSBA No. 27850
5 Lauren J. Tsuji, WSBA No. 55839

6 **PERKINS COIE LLP**

7 1201 Third Avenue, Suite 4900

8 Seattle, WA 98101-3099

9 Telephone: 206.359.8000

10 Facsimile: 206.359.9000

11 E-mail: SKoh@perkinscoie.com

12 KOSullivan@perkinscoie.com

13 LTsuji@perkinscoie.com

14 Kristine McAlister Brown (*pro hac vice*)

15 **ALSTON & BIRD LLP**

16 1201 West Peachtree Street

17 Atlanta, GA 30309

18 Telephone: (404) 881-7000

19 Facsimile: (404) 881-7777

20 E-Mail: kristy.brown@alston.com

21 *Attorneys for Defendant T-Mobile USA, Inc.*

22 By: /s/ Kim D. Stephens

23 Kim D. Stephens, P.S., WSBA #11984

24 Jason T. Dennett, WSBA #30686

Kaleigh N. Powell, WSBA #52684

TOUSLEY BRAIN STEPHENS PLLC

1200 Fifth Avenue, Suite 1700

Seattle, WA 98101

Telephone: (206) 682-5600

Facsimile: (206) 682-2992

E-Mail: jdennett@tousley.com

kstephens@tousley.com

kpowell@tousley.com

Amy E. Keller (*pro hac vice* to be filed)

James A. Ulwick (*pro hac vice* to be filed)

DICELLO LEVITT GUTZLER LLC

Ten North Dearborn Street, Sixth Floor

Chicago, IL 60602

Telephone: (312) 214-7900

Facsimile: (312) 253-1443

Email: akeller@dicellolevitt.com

julwick@dicellolevitt.com

William A. Kershaw

Ian J. Barlow

KERSHAW, COOK & TALLEY PC

401 Watt Avenue

Sacramento, CA 95846

Telephone: (916) 779-7000

Facsimile: (916) 244-4829

Email: bill@kctllegal.com

ian@kctllegal.com

Tyler H. Fox, Esq.

LAW OFFICES OF TYLER H. FOX

135 Antrim St., Unit # 2

Cambridge, MA 02139

Telephone: (857) 260-3105

Email: tylerfox@verizon.net

Attorneys for Plaintiffs

24 STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01415-BJR) - 3

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 **ORDER**

2 IT IS SO ORDERED.

3 Dated this 12th day of November, 2021.

4 s/Barbara J. Rothstein
5 Barbara J. Rothstein
6 U.S. District Court Judge

7 Presented by:

8 Steve Y. Koh, WSBA No. 23284
9 Kathleen M. O'Sullivan, WSBA No. 27850
10 Lauren J. Tsuji, WSBA No. 55839
11 **PERKINS COIE LLP**
12 1201 Third Avenue, Suite 4900
13 Seattle, WA 98101-3099
14 Telephone: 206.359.8000
15 Facsimile: 206.359.9000
16 E-mail: SKoh@perkinscoie.com
17 KOSullivan@perkinscoie.com
18 LTsuji@perkinscoie.com

14 Kristine McAlister Brown (*pro hac vice*)
15 **ALSTON & BIRD LLP**
16 1201 West Peachtree Street
17 Atlanta, GA 30309
18 Telephone: (404) 881-7000
19 Facsimile: (404) 881-7777
20 E-Mail: kristy.brown@alston.com

21 *Attorneys for Defendant T-Mobile USA, Inc.*

22
23
24 STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01415-BJR) - 4

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000